



June 2020

## British nationals are at risk in Hong Kong

**The British Government should give British National (Overseas) citizens in Hong Kong rights to live, study and work in the UK**

As part of the [Sino-British Joint Declaration](#) signed in 1984, British Dependent Territories Citizens connected to Hong Kong (e.g. by birth) were controversially not permitted right of abode in the UK.

With Chinese officials claiming that the Joint Declaration [is no longer valid](#), with authorities [locking up](#) pro-democracy activists, and with China imposing draconian new [national security laws](#) on Hongkongers, now is the time to honour Britain's duty to those born under its protection.

Following the [Foreign Secretary's initial statement on BN\(O\) passport holders](#) on 29th May, a [YouGov](#) poll on the same day showed that most people in Britain supported a move to give greater rights to BN(O) passport holders, with 42% in favour and only 24% opposed. As international condemnation of the national security law grows, the UK government has continued to finesse its position on BN(O) culminating in the [Prime Minister's article in the Times](#). While Britain's intention to extend BN(O) rights is a significant and welcome step forward, much remains to be done to ensure the government formulates a practical and equitable policy, and that Britain's commitment does not waver.

### Abandoned to China

Hong Kong was a British colony for over 150 years. The entire region and all its millions of inhabitants were 'handed over' to the People's Republic of China after a 99-year lease with the Qing Dynasty on part of the region terminated in 1997. Hongkongers were not given a seat at the table in the negotiations between Britain and PRC regarding the terms of the Handover. Their fate was sealed without then being given any say in the matter. Residents of Hong Kong were permitted to apply for special status as British National (Overseas) Citizens ("BN(O)"), a nationality category designed to ensure that Hongkongers would not become stateless and retain connection with the UK.



As part of the Sino-British Joint Declaration signed by China and Britain, BN(O) status does not confer the right of abode in the United Kingdom and is not available to those who were born after the handover of Hong Kong to China.

The United Kingdom's [memorandum](#) declares:

*"All persons who on 30 June 1997 are, by virtue of a connection with Hong Kong, British Dependent Territories Citizens (BDTCs) under the law in force in the United Kingdom will cease to be BDTCs with effect from 1 July 1997, but will be eligible to retain an appropriate status which, without conferring the right of abode in the United Kingdom, will entitle them to continue to use passports issued by the Government of the United Kingdom."*

It was [recently clarified](#) by Lord Peter Goldsmith QC that *"the UK can extend full right of abode to BNO holders without breaching its side of the Joint Declaration."* In addition, he opined that there is nothing to stop the UK extending other rights of BNO passport holders in the UK, for examples rights to work, study or stay:

*"comments in the UK Memorandum which addresses the nationality issue are narrowly limited to the discussion of Right of Abode, and therefore have no bearing on other discussions about the right of BNO holders, such as whether it might be appropriate to make it easier for those on working holiday or student visas from Hong Kong to access indefinite leave to remain."*



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STAND WITH  
HONG KONG**

With weekly reports of the PRC's attacks on the democratic and judicial institutions of Hong Kong, human rights abuses and [recent arrests](#) of dissidents (all in breach of its treaty obligations), people in Hong Kong, including those born under the British flag, are no longer safe.

On top of this, China is seeking further powers in Hong Kong to crush dissent by imposing [National Security Laws](#) from the mainland without allowing oversight from the Legislative Council. This is despite a previous attempt in 2003 to introduce such legislation being dropped after hundreds of thousands of Hongkongers demonstrated.

### **Government statements**

In June 2020, the UK Foreign Secretary, Dominic Raab, stated that the imposition of the new National Security Laws on Hong Kong would be a clear breach of the Joint Declaration. He [stated](#):

*"If China follows through with its proposed legislation, we will put in place new arrangements to allow BNOs to come to the UK without the current six-month limit, enabling them to live and apply to study and work for extendable periods of 12 months, thereby also providing a pathway to citizenship."*

BN(O) passport holders can currently apply via the usual visa channels open to immigrants. However, given the very real threat to life and liberty they face from Chinese authorities and their historic connection to the UK, this route is considered too slow, too expensive, too complicated and too prone to technical rejections. Immediate changes to the immigration rules could go a long way to simplify this process for the c.300,000 current BN(O) passport holders or the 3 million who are potentially eligible ([June 2020](#)) without changes to legislation. It could also pave the way for broader redress for other Hongkongers fleeing human rights abuses. The situation has already deteriorated in Hong Kong; waiting until it gets worse may be too late.

The recent interventions by the Prime Minister, Foreign and Home Secretaries have demonstrated Britain's intention to respond to the imminent collapse of Hong Kong's "One Country, Two Systems" framework. The clock is indeed ticking. As Britain waits - and hopes - for a Chinese U-turn on the national security law, it is incumbent upon the government to use the current period wisely to formulate a set of practical and equitable policies for BN(O) passport holders. The current lack of definition may be understandable. But key elements, such as eligibility, the right to work

outside of the current sponsorship framework, family reunion, and process, require urgent yet thoughtful consideration.

### **A British responsibility**

Given Britain's role in negotiating the Sino-British Joint Declaration, in which Hongkongers were not given the right to participate, it is unthinkable that the British Government can repeat the mantra that the treaty is legally enforceable while taking no concrete action when it is being flagrantly breached. Merely "speaking out" is demonstrably insufficient to safeguard the provisions of the Joint Declaration are respected.

### **The British Government must take concrete and urgent actions to protect the rights and freedoms of Hongkongers.**

There is also the moral obligation to those born under British rule who were given no say in their own future. Allowing those citizens the right of abode in the UK would be fair and a logical next step.

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### **About "Fight for Freedom. Stand with Hong Kong."**

We are a completely independent, grassroots, crowdfund-initiated group of individuals who have come together to fight for freedom and democracy for Hong Kong. Our members come from all walks of life and are united with a shared vision.

In the past 22 years, we have witnessed China's erosion of Hongkongers' fundamental freedoms, human rights, and rule of law. China's conduct has been in breach of the 1984 Sino-British Joint Declaration—a legally binding treaty—which also forms the basis of the 1992 US Hong Kong Policy Act. Shocked and heartbroken at the recent events in Hong Kong and our government's intransigence, we seek to mobilise the international community to stand with us in our fight for freedom.

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